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FACSIMILE COVER SHEET

TO:	United States Patent and Trademark Office Attention: Examiner Fortuna Group Unit No. 1723	NUMBER OF PAGES (INCLUDING THIS TRANSMITTAL SHEET):
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7

FAX: 1-703-872-9310(9311) **PHONE:**

DATE: February 24, 2003

FROM: Andrew G. Kolomayets

REFERENCE: Attorney Docket No.: F-5366
Serial No.: 09/111,915 - Filed: July 8, 1998
Title: Composite Membrane with particulate Matter Substantially
Immobilized Therein

FAX RECEIVED
FEB 25 2003
GROUP 1700

MESSAGE: Dear Examiner Fortuna:

Please advise us of the status of U.S. Patent Application No. 09/111,915. Attached for your reference is a copy of the Notice of Appeal filed on January 31, 2002, with a copy of the return postcard, indicating receipt on January 31. Also enclosed is a copy of the transmittal letter, the first page of the Appeal Brief and a copy of the Post Office receipt indicating a mailing date of July 1, 2002.

We look forward to hearing from you.

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PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) F-5366						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on January 31, 2002.</p> <p>Signature <u>Yue Ruan</u> Typed or printed name <u>Yue Ruan</u></p>		<p>In re Application of Daniel R. Boggs, et al.</p> <table border="1"> <tr> <td>Application Number 09/111,915</td> <td>Filed July 8, 1998</td> </tr> <tr> <td colspan="2">For COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN</td> </tr> <tr> <td>Group Art Unit 1723</td> <td>Examiner Richard W. Ward</td> </tr> </table>	Application Number 09/111,915	Filed July 8, 1998	For COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN		Group Art Unit 1723	Examiner Richard W. Ward
Application Number 09/111,915	Filed July 8, 1998							
For COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN								
Group Art Unit 1723	Examiner Richard W. Ward							
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$ 320.00</u>.</p> <p> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ _____</u>. </p> <p> <input checked="" type="checkbox"/> A check in the amount of the fee is enclosed. </p> <p> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. </p> <p> <input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. </p> <p> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50/1039</u>. I have enclosed a duplicate copy of this sheet. </p> <p> <input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. </p>								
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) </p> <p> <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a). </p> <p style="text-align: right;"><u>Andrew G. Kolomayets</u> Signature Typed or printed name <u>January 31, 2002</u> Date</p>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> Total of <u>1</u> forms are submitted.</p>								

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments or the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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COOK, ALEX, MCFARRON,
MANZO, CUMMINGS & MEHLER

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HERETO, ACKNOWLEDGES RECEIPT OF:

ENCLOSURES:

- () Application _____
() Specification ____ pages
() Claims ____ pages
() Abstract ____ page(s)
() Drawing Sheets no. ____ (F) ____ (INF) ____
() Transmittal Letter
(X) Check \$ 1,240.00 No: 8233
() Declaration/Oath
() Assignment and Cover Sheet
() Information Disclosure Statement
() Response/Amendment
(X) Extension of Time (In Duplicate) (3 MONTHS)
() Small Entity Status
() Copy of Priority Document
(X) NOTICE OF APPEAL (PTO/SB/31)
(X) FEE TRANSMITTAL (IN DUPLICATE)



RE: APPLICATION ATTY/SEC: AGK/CAB

File no: F-5366 (BOGGS, et al.)

Applicant: DANIEL R. BOGGS, et al.

S.N.: 09/111,915 Filing Date: JULY 8, 1998

Title: COMPOSITE MEMBRANE WITH PARTICULATE
MATTER SUBSTANTIALLY IMMOBILIZED THEREIN

Due date: 01/31/2002 Date Sent: 01/31/2002

**COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136(a) (Large Entity) ***

Docket No.
F-5366

In Re Application Of: Daniel R. Boggs, et al.

Serial No. 09/111,915	Filing Date 07/08/1998	Examiner Richard W. Ward	Group Art Unit 1723
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**Invention: COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED
THEREIN**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing an Appeal Brief.

Applicant(s) hereby request(s) an extension of time of (check desired time period):

<input type="checkbox"/> One month	<input type="checkbox"/> Two months	<input checked="" type="checkbox"/> Three months	<input type="checkbox"/> Four months	<input type="checkbox"/> Five months
from: <u>03/31/02</u>	Date	until: <u>06/30/02</u>	Date	

The fee for the Appeal Brief and Extension of Time has been calculated as shown below:

Fee for Appeal Brief: \$320.00

Fee for Extension of Time: \$920.00

TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME: \$1,240.00

The fee for the Appeal Brief and extension of time is to be paid as follows:

- A check in the amount of \$1,240.00 for the Appeal Brief and extension of time is enclosed.
- Please charge Deposit Account No. _____ in the amount of _____
A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____
A duplicate copy of this sheet is enclosed.
 - Any additional filing fees required under 37 C.F.R. 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. _____
A duplicate copy of this sheet is enclosed.

* and Amendment Under 37 CFR 1.116 filed concurrently herewith.

**COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.
F-5366

In Re Application Of: Daniel R. Boggs, et al.

Serial No.
09/111,915

Filing Date
07/08/1998

Examiner
Richard W. Ward

Group Art Unit
1723

Invention: **COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED
THEREIN**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

Signature

Dated: July 1, 2002

Renée C. Lewald, Registration No. 48,356
**COOK, ALEX, MC FARRON, MANZO, CUMMINGS
& MEHLER, LTD.**
 200 West Adams Street - Suite 2850
 Chicago, IL 60606
 (312) 236-8500

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I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

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CC:

PATENT
Attorney Docket No. F-5366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) CERTIFICATE OF MAILING
Daniel R. Boggs, et al.) BY "EXPRESS MAIL"
Serial No.: 09/111,915) "Express Mail" Mailing Label No.: EV036885133US
Filed: July 8, 1998) Date of Deposit July 1, 2002
CPA Filed: September 14, 2000) I hereby certify that this paper or fee is being
Examiner: Richard W. Ward) deposited with the United States Postal Service
Art Unit: 1723) "Express Mail Post Office Box Addressee" service
For: COMPOSITE MEMBRANE WITH) under 37 CFR 1.10 on the date indicated above
PARTICULATE MATTER) and is addressed to the Commissioner for Patents,
SUBSTANTIALLY IMMOBILIZED) Washington, D.C. 20231
THEREIN)
NAME Renee C. Lewald
SIGNATURE Renee C. Lewald

Commissioner for Patents
Washington, D.C. 20231

APPEAL BRIEF

Dear Sir:

(1) REAL PARTY IN INTEREST

The real party in interest in this appeal is Baxter International Inc., assignee of the invention claimed in the present application, which assignment was recorded in the United States Patent and Trademark Office on or around February 5, 1999.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

Claims 1-45 are cancelled. Applicants are appealing the rejection of pending claims 46-66.

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